

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L
JUL 18 2008
CLERK'S OFFICE
U.S. DISTRICT COURT
ANN ARBOR, MI

CHARLES LEE,

Plaintiff,

No. 08-11841

v.

Hon. John Corbett O'Meara

PAGE IMPORTS, INC.,

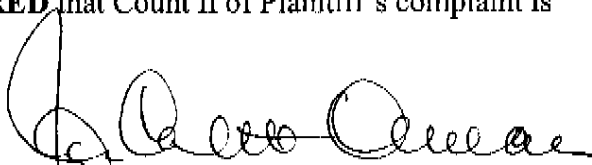
Defendant.

ORDER OF PARTIAL DISMISSAL

On April 30, 2008, Plaintiff filed a complaint setting forth the following counts: Count I, violation of 42 U.S.C. §1981 (racial discrimination); and Count II, violation of M.C.L.A. §37.2101 et seq (Elliot Larsen Civil Rights Act).

While alleged violations of 42 U.S.C. § 1981. are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegation presents a claim based on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Count II of Plaintiff's complaint is **DISMISSED**.


United States District Judge

Date: July 15, 2008